Public Assistance Applicant Briefing

Iowa Homeland Security and Emergency Management (HSEMD)

John Benson, Director
Introduction

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Briefing Objectives

• Review the process for submitting a Request for Public Assistance (RPA)
• Provide an overview of the Public Assistance Program and funding process
• Highlight key requirements and helpful resources
Incident Overview & Key Dates

Incident:
DR-4642-IA, Severe Storms, Straight-line Winds and Tornadoes

Incident Dates:
12/15/2021

Declaration Date:
2/23/2022

RPA Deadline:
3/25/2022
Public Assistance

FEMA’s Public Assistance (PA) program provides supplemental grants following a Presidential disaster declaration to assist communities respond to and recovery from major disasters or emergencies.
Key References & Resources

• Public Assistance Program and Policy Guide (PAPPG)
• Robert T. Stafford Act, as amended
  • Public Law 100-707, amended by Public Law 93-288
• 44 CFR 206
• 2 CFR 200
• HSEMD’s Public Assistance Webpage
• HSEMD’s EMGrantsPro
• FEMA’s Grants Portal
Request for Public Assistance

RPA Deadline: March 25, 2022

• What is the RPA?
• Where is the RPA?
• What do information do I need to complete the RPA?

How to tutorial on our website:

homelandsecurity.iowa.gov/disasters/public-assistance/
Eligibility
Applicant Eligibility

• State Government Agencies
• County Governments
• Municipal Governments
• Municipal Authorities
• School Districts
• Taxing Districts
• Tribal Governments
• Certain Private Nonprofits (PNPs)
Facility Eligibility

• Damage is a result of the declared disaster
• Located within a declared area
• The legal responsibility of an eligible applicant
• Active at the time of the disaster
• Not under the authority of another federal agency (e.g. USACE, NRCS, FHWA)
Work Eligibility

Emergency Work – Must be completed within 6 months from declaration
• Category A: Debris Removal
• Category B: Emergency Protective Measures

Permanent Work – Must be completed within 18 months from declaration
• Category C: Roads and bridges
• Category D: Water control facilities
• Category E: Public buildings and contents
• Category F: Public utilities
• Category G: Parks, recreational, and other facilities
Emergency Work – Cat A & B

**Category A:** Debris removal activities such as clearance, removal, and disposal, are eligible if the removal is in the public interest based on if the work:

- Eliminates immediate threat to lives, public health and safety
- Eliminates immediate threat of significant damage to improved public or private property
- Ensures economic recovery to the benefit of the community at large
- Mitigates risk to life

**Category B:** Emergency protective measures conducted before, during, and after an incident are eligible if they:

- Eliminate or lessen the immediate threats to lives, public health, or safety
  OR
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner
Permanent Work – Cat. C-G

• Restoring a facility to its pre-disaster **design** and **function**.
  • **Design**: size or capacity of a facility as originally constructed or subsequently modified.

  ![Example of Restoring to Pre-disaster Design](image1)
  *If a school designed for a capacity of 100 students is damaged beyond repair, the eligible funding for the replacement facility is limited to that necessary for 100 students, even if more than 100 students were attending the school prior to the incident.*

  ![Example of Restoring to Pre-disaster Function](image2)
  *If the Applicant is using an office building as a storage facility at the time of an incident, and it is less costly to restore the facility as a storage facility, only those repairs necessary to restore it as a storage facility are eligible. Any special lighting or wall and floor finishes that are typical of an office building are not necessary for a storage facility and, therefore, are ineligible.*

• **Function**: the function for which the facility was originally designed or subsequently modified.
Permanent Work – Category F

- Utilities
  - Electrical transmission or distribution systems

See Chapter 8 of the PAPPG for additional eligibility guidance.
Cost Eligibility

- Necessary and reasonable
- Directly tied to the performance of eligible work
- Adequately documented
- Consistent with the Applicant’s internal policies and procedures
- Must be reduced by all applicable credits, such as insurance proceeds or salvage values.

Eligible costs include:
- Labor
- Equipment
- Materials
- Contract work
- Administrative costs
Force Account Labor Costs

Must be supported by:

• Time and effort reporting for each employee
  • 100% of hours worked during period being claimed
  • Must delineate each federal activity (project) and non-federal activities.
• Payroll documentation
• Pre-disaster payroll and accounting policies

Resource: FEMA’s Applicant Fringe Benefit Calculator
Equipment Costs

For each piece of force account equipment, be prepared to provide:

- Type of equipment and attachments used (year, make, model)
- Size/capacity (e.g. horsepower, wattage)
- Operator name, locations, dates and hours used
- Schedule of rates, including rate components (if not using FEMA rates)

Purchased equipment, also provide:

- Invoices or receipts

Leased Equipment: Based on terms of the lease.

- Operating time
- Standby time

Resource: FEMA Schedule of Equipment Rates
Procurement & Contracting

- Documentation is key
- Conflicting rules? Follow the more restrictive

Key Resources & References:
- 2 CFR 200.317-327
- Guidance and resources – [fema.gov/grants/procurement](http://fema.gov/grants/procurement)
- Live and on-demand training - [fema.gov/grants/procurement/training](http://fema.gov/grants/procurement/training)

Top 10 Procurement under Grants Mistakes

1. Restricting full & open competition
2. Not performing detailed price or cost analysis for procurements above $250,000
3. Engaging in a sole-sourcing procurement without documenting emergency or exigent situation
4. Continuing work under a sole-source contract after the urgent need has ended
5. Not making and documenting efforts to take all “affirmative steps”
6. Awarding a “time-and-materials” contract without a ceiling price and documenting why no other contract type is suitable
7. Not including the required contract clauses
8. awarding a “cost-plus-percentage-of-cost” or “percentage-of-construction-cost” contract
9. Awarding a contract to contractors that are suspended or debarred
10. Not documenting all steps of a procurement to answer questions that could arise months or years later

Avoiding these obstacles can speed up your road to recovery
Procurement & Contracting

Emergency

Severe weather impacts a city and causes widespread and catastrophic damage, including loss of life, widespread flooding, loss of power, damage to public and private structures, and millions of cubic yards of debris across the city, leaving almost the entire jurisdiction inaccessible. The city needs to begin debris removal activities immediately to restore access to the community, support search and rescue operations, power restoration, and address health and safety concerns.

Exigency

A tornado impacts a city in June and causes widespread and catastrophic damage, including to a city school. The city wants to repair the school by the beginning of the school year in September. Awarding a contract using a sealed bidding process would require at least 90 days, and the repair work would be another 60 days, extending the project beyond the beginning of the school year. Rather than conducting a sealed bidding process, the city—in compliance with state and local law—wants to sole-source with a contractor it has contracted with previously.
Duplication of Benefits

If funding is received from another source for the same work, FEMA reduces the eligible cost or de-obligates funding to prevent a duplication of funding.

Examples:

- Insurance Proceeds
- Non-Federal Grants and Cash Donations
- Third-Party Liability
- Other Federal Awards
- Other FEMA funding (e.g. Individual Assistance or HMGP)
Insurance

Emergency & Permanent Work:

• FEMA will reduce eligible project costs for facilities that are insured by the actual or anticipated insurance proceeds

• FEMA will reduce eligible project costs for uninsured flood damaged facilities that are located within the Special Flood Hazard Area by the maximum amount of insurance proceeds that could have been obtained from a standard NFIP flood insurance policy or the value of the facility at the time of the disaster (whichever is less)

Permanent Work:

• Applicants must obtain and maintain reasonable insurance to protect the facility against future loss.
  • Not required for projects less than $5,000
  • State Insurance Commissioner can certify reasonably available, adequate and necessary
Management Costs – Category Z

Subrecipient administrative & management costs. Activities may include:
- Site inspections
- Developing the detailed damage description
- Evaluating Section 406 mitigation measures
- Reviewing the Project Worksheet (PW)
- Preparing correspondence
- Travel expenses
- Collecting, copying, filing or submitting documents to support the project
- Preparing and submitting reports
- Requesting disbursement of PA funds

Documentation requirements are the same as Force Account Labor
PA Delivery Process

**PHASE I: OPERATIONAL PLANNING & APPLICANT COORDINATION**
- Recipient conducts Applicant Briefings
- Requests for Public Assistance (RPA) within 30 days of Declaration
- Applicant Eligibility Review and RPA Approval
- Recovery Scoping Meeting (RSM)

**PHASE II: IMPACTS & ELIGIBILITY**
- Applicant identifies and reports all damage within 60 days of RSM
- Logically group damage into projects
- Conduct Site Inspections

**PHASE III: SCOPLING & COSTING**
- Develop Project SOW and Costs
- Eligibility and Compliance Reviews

**PHASE IV: FINAL REVIEWS**
- FEMA and Recipient Conduct Final Project Reviews

**PHASE V: OBLIGATION & RECOVERY TRANSITION**
- Obligation of Funds to the Recipient
- Recovery Transition Meeting

**PHASE VI: POST-AWARD MONITORING & AMENDMENTS**
- Quarterly Progress Reports; SOW Changes; and Audits

**PHASE VII: FINAL RECONCILIATION & CLOSEOUT**
- Project Closeout (within 180 days of work completion)
- Subrecipient Closeout
- Disaster Closeout
## Damage Inventory (DI)

### What is in the DI?

- Name of Damage (ex Mills Road)
- Location
- Description of Damage
- Primary cause
- Approximate Cost
- Category of Work (A-G)
- Type of Labor (Force Account, contract, etc)

### Reminder:
Due 60 days from RSM

### Resource:
Excel Spreadsheet Template on Grants Portal
Project Worksheet

- Captures the damage description, facility, scope of work, costs

- Funding thresholds:
  - Minimum = $3,500
  - Large = $139,800 and above

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Department of Homeland Security
Federal Emergency Management Agency

**General Info**

<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Category</th>
<th>Project Type</th>
<th>Applicant</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>63766</td>
<td>B - Emergency Protective Measures</td>
<td>Work Completed / Fully Documented</td>
<td>City of Ruthven (147-69330-00)</td>
<td>4386DR-IA (4386DR)</td>
</tr>
</tbody>
</table>

**Damage Description and Dimensions**

The Disaster # 4386DR, which occurred between 06/06/2018 and 07/02/2018, caused:

**Damage # 168896; Emergency Protective Measures (City of Ruthven - Overflow pumping operations)**

During the incident period of 6/6/2018 through 7/2/2018, a(n) Severe Storm(s) created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.

- Provided Flood Fighting for overflow from a sewage lagoon lift station at 3452 360th St, Ruthven, Iowa 51358 (43.125952, -94.894120) from 6/16/2018 to 7/1/2018.
- Provided Emergency Pumping for overflow from a sewage lagoon lift station at 3452 360th St, Ruthven, Iowa 51358 (43.125952, -94.894120) from 6/16/2018 to 7/16/2018.

**Scope of Work**

**168896 City of Ruthven - Overflow pumping operations**

Work Completed

The applicant utilized force account labor, equipment, materials, and contracts for the Emergency Protective Measures to provide flood fighting and emergency pumping of an overflowing sewage lagoon station in the Town of Ruthven.

Cost share for this version is 75%. All work and costs in this project fall between 6.18.18 and 7.16.18.

City of Ruthven

B. Flood Fighting through Force Account Labor, Equipment, Materials, and Rental Equipment.

1. Force Account Labor Overtime - 2 Laborers - 24.25 hours $792.01.
2. Force Account Equipment - 3 EA - 1,036 Equipment hours $7,911.64.
Funding Agreement

- Signed electronically in EMGrants
- HSEMD cannot disburse funding until completed
- Must be completed and signed by your Authorized Representative or Chief Financial Officer (CFO)
Section 406 Hazard Mitigation

Reduce or eliminate long-term risk to people and property from natural hazards and their effects.

Must be:

• Cost-effective
• Must be related to the incident and the damaged portion(s) of the eligible PA facility
• Applies only to permanent work (Cat. C-G)

Additional mitigation activities may be eligible under FEMA’s Hazard Mitigation Grant Program (HMGP)
Environmental & Historic Preservation (EHP)

FEMA reviews each project to ensure compliance with applicable Federal EHP laws, regulations, and applicable Executive Orders.

- National Environmental Policy Act
- National Historic Preservation Act
- Clean Water Act
- Rivers and Harbors Act
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands

See PAPPG, Appendix A for additional common requirements & more detailed information.

FEMA Environmental Greensheet
Iowa Waterways & Floodplains

Regulatory permitting agencies:

- Iowa DNR
- USACE


*FEMA requires a response from both DNR and USACE.*
Improved & Alternate Projects

• Permanent Work Only

• Must be submitted to HSEMD and approved by FEMA prior to start of work

• Funding is limited to the lesser of the Federal share of the approved estimate to restore the facility to pre-disaster or the Federal share of actual costs of completing the improved or alternate project
Alternative Procedures

Section 428
• Must be a large project
• Applicant must accept a fixed cost offer

Benefits
• No requirement to rebuild to pre-disaster
• Share funds across all alternative procedure permanent work pilot projects
Codes and Standards

PA funding restores facilities based on pre-disaster design and function in conformity with current applicable codes, specifications, and standards.

Eligibility Criteria:
• Applies to the type of restoration required
• Is appropriate to the pre-disaster use of the facility
• Is reasonable
• Formally adopted and applied uniformly
• Enforced during the time it was in effect

Consensus-Based Codes, Specifications and Standards applies to:
• Buildings
• Electric Power
• Roads

• Bridges
• Potable Water Supply
• Wastewater

Resource: FEMA Policy FP 104-009-11
Roles & Responsibilities

**FEMA (Funding Agency)**
- Award the Public Assistance grant to the State
- Issue program guidance, policies, manuals, notices, FAQs, etc
- Provide final project approval to obligate funds

**State (Recipient)**
- Award subawards to local Applicants
- Administer the program
- Provide technical assistance
- Disburse funds
- Monitor project progress & compliance

**Applicant (Subrecipient)**
- Submit Request for Public Assistance (RPA)
- Identify and document damaged facilities
- Provide information to support the accurate development of the scope and cost
- Accept subaward from the State
- Manage individual projects and perform necessary work
- Maintain accurate documentation, including financial records
- Comply with program policy, grant terms and conditions, and regulations.
Record Keeping

• Establish a disaster specific file to maintain documentation for each of your PA projects
• Support documentation is required for all claimed costs
• Must retain documentation for 3 years from closeout

**Tip:** Organize your documentation as if it were going to be audited
Audits & Findings

Grant recipients expending $750,000 or more in Federal funds in a fiscal year must perform a single audit

Common findings:

• Missing or incomplete documentation
• Ineligible costs
• Unreasonable costs
• Did not follow Federal procurement regulations
• Did not track funds separately on a project-by-project basis in accounting system
Next Steps

• Submit a Request for Public Assistance at my.iowahomelandsecurity.org/
Resources

PA Policy, Guidance and Fact Sheets
• https://www.fema.gov/assistance/public/policy-guidance-fact-sheets

FEMA Procurement Guidance and Resources
• https://www.fema.gov/grants/procurement
• https://www.fema.gov/grants/procurement/training

FEMA PA On-Demand Training
• https://www.fema.gov/assistance/public/training
Additional Community Resources

• Hazard Mitigation Grant Program (HMGP)
  → jonathan.pogones@iowa.gov

• Community Disaster Loan Program (CDL)
  → mark.newhall2@iowa.gov

• State Contingent Fund
  → mark.newhall2@iowa.gov

• Small Business Administration Disaster Loans

• HUD’s Community Development Block Grant Disaster Recovery Program (CDBG-DR)

• USDOL’s National Dislocated Worker Grants (DWG)

• Federal Highway Administration Emergency Relief Program

• USDA Farm Service Agency
Questions?

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Hazard Mitigation Grant Program (HMGP)
Hazard Mitigation Grant Program (HMGP) Provides Funding...

When: President Declares Major Disaster

To: - State, Tribal, and Local Governments
    - Certain Private Non-profit Organizations

For: Any measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters

Authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, As Amended
Applicable Hazard Mitigation Regulations:

- 44 Code of Federal Regulations (44 CFR)
  Section 206.400 - 206.440

- 2 CFR 200 Uniform Administrative Requirements
  
  - Iowa Code Chapter 29C.6

- Iowa Administrative Code, Emergency Management (605), Chapter 7 Local Emergency Management
Planning Requirements

Iowa Code: The County Emergency Management Commission shall develop:

Operations/Mitigation/Recovery Plans

• *The Plan shall be approved annually.*

**Federal Code - 44 CFR 201.6 (a)(1)**

The Disaster Mitigation Act of 2000 (DMA 2K) requires local jurisdictions to have an approved Hazard Mitigation plan before FEMA will award mitigation project funds.
Hazard Mitigation Grant Program (HMGP)

❑ Federal Funds Available -

The total Federal assistance under the HMGP shall not exceed 20% of the total estimated Federal assistance (excluding admin.) provided under Stafford Act disaster relief funding.

❑ Estimated available HMGP funding

Initial Est. $1.4 million

❑ Cost Share:

Maximum Federal Share = 75%
Typical Local Share = 15%
Typical State Contribution = 10%
Hazard Mitigation Grant Program (HMGP)

State of Iowa Responsibilities: (206.433)

**Grantee:** State serves as the Grantee accountable for use of funds

**Priorities:** State will determine priorities for grant funding

\[This \ includes \ maintenance \ of \ the \ State \ Hazard \ Mitigation \ Plan \ (322 \ Plan)\]

**Hazard Mitigation Officer:** Dusty Pogones (Appointed)

**Administrative Plan:** State must have an approved Administrative Plan
Iowa Priorities for the HMGP
Commonly Funded Project Types

• The last table in section 5.6 of the State Mitigation Plan

• Priority #1 (category A) Property Acquisition/Elevation, electric utility hardening, detention basins, flood protection actions including green infrastructure, warning sirens.

• Priority #2 (category B) Elevate/protect wastewater lift stations, backup generators.

• Priority #3 (category C) Public tornado safe rooms, small flood barriers.
Ranking and selecting projects:

- All mitigation projects will be evaluated to determine total potential future benefits and total project cost
- Projects that are technically feasible and effective
- The benefit cost analysis will be utilized to rank eligible projects
- The number of projects selected will depend upon the amount of available funding
- “Mitigate the worst first”
Timeline of events for an HMGP Grant Application

http://www.iowahomelandsecurity.org/grants/HMA.html

1-12 months following a declaration or (dec. date):
• Notice of Funds Availability (NOFA)
• Receive/Review Notice of Interest (NOI)
• Develop applications
• Submittal of applications to FEMA for review and approval

1-48 months following a declaration:
• Completion of the project scope of work, closeout to FEMA
New link.
Chris Spencer, 2/15/2022
Important Points about the HMGP

- Consider Public Assistance (406) Mitigation options first

- There is a limited amount of funding under the HMGP and it is available to applicants statewide

- The HMGP is a competitive grant program

- FEMA does not “do” HMGP projects…Communities “do”

- *HSEMD will not know the final funding limit until the 12 month lock-in* **

- Local match can be met through eligible in kind services provided by the applicant
Other FEMA Mitigation Funding Options

Building Resilient Infrastructure and Communities (BRIC)
• Similar projects and eligibility to HMGP
• Awarded annually and nationally competitive

Flood Mitigation Assistance (FMA)
• To reduce claims against the National Flood Insurance Program (NFIP) – projects, planning, and acquisition
• Typically all awards are 75% federal, 25% local
Hazard Mitigation Grant Program (HMGP)

Hazard Mitigation Projects
State priority to remove properties from the floodplain to eliminate repeated flooding of properties.
3020 River Front Estates

3024 River Front Estates

3014 River Front Estates – not acquired – seen in 6/30/2013 photo
Open Space allowing water to flow with no destruction to properties
Cedar Rapids Water Pollution Control Facility -2008 Flood Event
Burlington Water Plant Flood Wall (HMGP)
June 2008 Flooding
June, 2013 sandbagging to prevent flood water inundation of the lift station

June, 2014 moved to a higher elevation
Detention Basin
Sagging Power Lines, bent poles. Replaced with heavier pole.
Warning Siren
Backup Generator for critical infrastructure and facilities
Cardinal CSD, Eldon, IA
HMGP DR 1930-0006-01
DR 1930-90-01
Tornado Safe Room / Cafeteria / Restrooms
40.963696 / -92.239501
Contact

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